



STATE OF MICHIGAN  
TERRI LYNN LAND, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

**M E M O R A N D U M**

**DATE:** December 14, 2004

**TO:** Independent, Political and Caucus Committees Registered on State Level

**FROM:** Michigan Department of State, Bureau of Elections

**SUBJECT: UPCOMING FILING REQUIREMENTS**

- **ALL INDEPENDENT, POLITICAL AND CAUCUS COMMITTEES REGISTERED ON THE STATE LEVEL THAT DO NOT MAINTAIN A REPORTING WAIVER ARE REQUIRED TO FILE THE JANUARY CAMPAIGN STATEMENT DUE ON JANUARY 31, 2005.**
- **EACH INDEPENDENT, POLITICAL OR CAUCUS COMMITTEE REQUIRED TO FILE WITH THE SECRETARY OF STATE THAT 1) RECEIVED OR EXPENDED \$20,000. 00 OR MORE IN 2004 OR 2) EXPECTS TO RECEIVE OR EXPEND \$20,000.00 OR MORE IN 2005 IS REQUIRED TO FILE ELECTRONICALLY. COMMITTEES MAY APPLY FOR MERTS PLUS SOFTWARE ONLINE AT THE MERTS WEB SITE: <WWW.MERTSPLUS.COM>**

**January Campaign Statement**

All Independent, Political and Caucus Committees registered on the state level that do not maintain a Reporting Waiver are required to file the January Campaign Statement due on January 31, 2005. The Campaign Statement is required even if the committee has no transactions to report for the period covered by the Campaign Statement.

The January Campaign Statement is not required of an Independent, Political or Caucus Committee registered on the state level that maintains a Reporting Waiver. Note that a Reporting Waiver maintained by an Independent, Political or Caucus Committee is lost if the committee receives or spends more than \$1,000.00 during the course of the year, has an account balance over \$1,000.00 or has over \$1,000.00 in debts.

## **Coverage Dates of Statement**

The January Campaign Statement due on January 31, 2005 opens on the day after the "closing date" of the last Campaign Statement filed by the committee. If the committee has never filed a Campaign Statement, the January Campaign Statement opens on the earlier of the following two dates: 1) the committee's formation date or 2) the date the committee accepted its first contribution or made its first expenditure.

The January 31, 2005 Campaign Statement closes on December 31, 2004.

## **Forms; Number of Copies Required**

Forms for filing the January Campaign Statement are available on our website at [www.michigan.gov/sos](http://www.michigan.gov/sos). The forms can also be obtained by contacting Irene Del Rio at the Michigan Department of State's Bureau of Elections. Phone: (517) 373-8612. Email: [delrio@michigan.gov](mailto:delrio@michigan.gov).

When filing, one original copy of the January 31 Campaign Statement is required. There is no need to file a duplicate copy.

## **File on Time!**

- If the committee raised **\$10,000.00 or less** during the previous 2 years, a \$25.00 late filing fee will be assessed each business day the Campaign Statement remains unfiled up to \$500.00. If the committee raised **more than \$10,000.00** during the previous 2 years, the maximum fee which can be assessed is increased to \$1,000.00. Late filing fees are assessed as follows:
  - (a) \$25.00 for each business day the Statement remains unfiled.
  - (b) An additional \$25.00 for each business day after the first 3 business days the Statement remains unfiled.
  - (c) An additional \$50.00 for each business day after the first 10 business days the Statement remains unfiled.
- Electronic filings must be transmitted and received by the Bureau of Elections before 5:00 p.m. on January 31, 2005.
- A January 31 Campaign Statement that is hand-delivered or sent by first class mail must reach this office before 5:00 p.m. on Monday, January 31, 2005. Be sure to allow ample mailing time if sending first class.
- A January 31 Campaign Statement submitted on paper or diskette that is mailed by registered mail, certified mail or an overnight delivery service and postmarked on or before the filing deadline will be accepted as timely regardless of when it arrives.
- Be sure to fill out all forms as accurately as possible. Notices will be sent to the committee if forms are left off, figures are wrong, addresses are incorrect, etc. The committee is then required to file an amendment to correct the error.
- A Campaign Statement will not be accepted if it is illegible, does not bear a proper signature or is not the proper size.

- A Campaign Statement submitted by a committee required to file electronically will not be accepted unless it is submitted on a diskette or over the Internet.

### **Statement of Organization Amendments Required With Campaign Statement**

A committee registered under Michigan's Campaign Finance Act is required to amend its Statement of Organization if any information presented on the form changes. Required amendments to the form must be filed no later than the due date of the next upcoming Campaign Statement required of the committee. Therefore, if your committee is required to file the January 31 Campaign Statement, we urge you to review your committee's Statement of Organization before you file the Campaign Statement. If any information on the Statement of Organization has changed, be sure to file an appropriate amendment to the form no later than January 31, 2005. An amended Statement of Organization cannot be filed electronically.

If a committee has a Reporting Waiver and is not required to file Campaign Statements, amendments to the Statement of Organization may be filed anytime information on the form changes.

### **Identification Requirements**

PA 250 of 2001 amended Michigan's Campaign Finance Act to require PAC's, Ballot Question Committees and Political Party Committees to add the statement "**paid for with regulated funds**" to the identification or disclaimer included on printed matter or in paid radio or television advertisements. The amendment provides:

"Except for a Candidate Committee's printed matter or radio or television paid advertisements, each identification or disclaimer required by this section shall also indicate that the printed matter or radio or television paid advertisement is paid for 'with regulated funds.' Printed matter or radio or television paid advertisement that is not subject to this Act shall not bear the statement required by this subsection."

The use of the phrase, "Paid for with regulated funds by (name and address of committee)" is recommended.

### **Merts Plus Software For Independent, Political and Caucus Committees**

The following reminders are offered for Independent, Political and Caucus Committees using MERTS Plus software to electronically file Campaign Statements. **Questions concerning use of the software should be directed to MERTS Plus Tech Support at: (703) 749-4642 or sent by e-mail to techsupport@nicusa.com.**

- **Election Cycles** – Make sure the correct election cycle(s) are entered into the Election Cycles Window. The election cycle for a candidate who participated in the November 2nd general election ended on November 2, 2004. For expenditures made after the November 2, 2004 general election to support or oppose candidates or issues, a new election cycle must be created for each candidate or ballot issue (Section 1.4 of the MERTS Plus Manual for Independent and Political Committee). The election cycle begins on the day after the general election and ends on the day of the next general election.
- **Campaigns** – Make sure up to date campaign(s) are created in the Campaigns Window for each candidate or issue supported or opposed by the committee. For expenditures made after the November 2, 2004 general election to support or oppose candidates or issues, a new

campaign must be created for each candidate or ballot issue (Section 1.5 of the MERTS Plus Manual for Independent and Political Committees).

- **Reporting Periods** – A separate report record (with correct coverage period dates) must be created in the Reports Window for each Campaign Statement that will be submitted by the committee electronically (Section 1.6 of the MERTS Plus Manual for Independent and Political Committees). Be sure to close this report on **DECEMBER 31, 2004**.
- **Amendments to Campaign Statements** – An amended Campaign Statement cannot be filed electronically until an original Campaign Statement has been filed electronically. If more than one amendment to a Statement has been created, each amendment must be electronically submitted in the order it was created.

### **Obtaining The Merts Plus Software**

State level committees wishing to obtain the MERTS Plus software may apply online at the MERTS Plus web site ([www.mertsplus.com](http://www.mertsplus.com)). Both on-site and online software training options are available. Access to the software is provided to committees that have completed the training session and submitted an original or amended Statement of Organization requesting the MERTS Plus software.

### **Questions?**

If you have any questions, please do not hesitate to contact this office.

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